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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

THE PEOPLE,

Plaintiff and Respondent,

v.

COZY EUGENE BUCHANAN,

Defendant and Appellant.

F048361

(Super. Ct. No. F04903648-4)

OPINION

THE COURT*

APPEAL from a judgment of the Superior Court of Fresno County. Gary Orozco, Judge.

Deborah Prucha, under appointment by the Court of Appeal, for Defendant and Appellant.

Bill Lockyer, Attorney General, Robert R. Anderson, Chief Assistant Attorney General, Mary Jo Graves, Assistant Attorney General, and Charles A. French, Deputy Attorney General, for Plaintiff and Respondent.

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*Before Levy, A.P.J., Gomes, J., and Dawson, J.

In September 2004, appellant Cozy Buchanan pled no contest to possession of cocaine base for purposes of sale (Health & Saf. Code, § 11351.5). The court imposed a lower-term sentence of three years, suspended execution of sentence, and placed appellant on three years' probation. One of the conditions of appellant's probation was that he obey all laws.

Subsequently, in another case appellant was charged with possession of a controlled substance (Health & Saf. Code, § 11350, subd. (a)), and following a hearing on May 3, 2005, he was held to answer on that offense and found to be in violation of probation in the instant case. On May 31, 2005, the court lifted the stay on the previously suspended three-year sentence in the instant case.

Appellant's appointed appellate counsel has filed an opening brief which summarizes the pertinent facts, with citations to the record, raises no issues, and asks that this court independently review the record. (*People v. Wende* (1979) 25 Cal.3d. 436.) Appellant has not responded to this court's invitation to submit additional briefing.

Following independent review of the record, we have concluded that no reasonably arguable legal or factual issues exist.

The judgment is affirmed.